

AMENDMENT TO THE DRAWING

Fig. 4 has been amended. The attached sheet of formal drawing replaces the original sheet including Fig. 4.

REMARKS/ARGUMENTS

This Preliminary Amendment was prepared and filed in connection with the refiling of the application in the form of a Request for Continuing Examination (RCE) and in response to the Office Action dated March 23, 2005.

The Office Action has continued the rejection of claims 1 and 8-36 on the basis of the assertion that the subject of these claims is rendered obvious by Zhou et al. (U.S. Patent No. 6,754,279). Reconsideration is requested. Each of independent claims 1, 21, 23 and 26 recites either an extracting means or an extracting step which is instrumental in extracting “information relating to at least one object in the moving image” (emphasis added). The term “object” must be properly understood and correctly interpreted in order to be able to meaningfully compare any of the aforementioned claims to the prior art. As can be readily understood from pages 3-8 and from other sections of the specification, including the drawings (for example, Fig. 1), an “object” in accordance with the present invention represents a visually perceivable portion of an image. In Fig. 1, it may be an automobile or an airplane, but the object can be a person or indeed, any other object. An object is therefore, a portion of the overall image.

Thus, at page 3 of the specification, reference is made at lines 10-15 to a designating means which designates the desired object from the image displayed on the displaying means. At page 6 of the specification, beginning at line 14, reference is made to the photographer who selects “an object extracting mode and designates one or more desired objects from those objects included in the moving image...” Because an “object” is a visually perceivable portion of an overall image, “each object can be designated by a marker and desired processing may be performed on the respective designated object” (page 7, lines 12-15). That an object can be an automobile is mentioned in the last line on page 7 of the specification.

By designating “an object,” the image processing can be effectively performed only on a desired and selected object in real time, as described at page 8, lines 8-10 of the actual information.

Thus, “an object” is a defined term in the instant specification and the comparison to the prior art must be carried out on the basis of the correct and true meaning of the term “object.” As explained below, applicant respectfully contends that the Office Action is incorrect in its

assertion that the Zhou reference discloses either designating an object or extracting an object or designating a condition relative to the object or carrying out information and processing based on parameters or conditions associated with an object.

It is also necessary to point out that the claim language must be understood to describe the object as comprising a visually perceivable portion of a moving image, which specifies that an object is not the entire image, merely sets forth that which was already implicit and explicit in the applicant's utilization of the term "object" within the context of the present application. In other words, the claim amendment does not raise new issues.

Turning to the cited art, Zhou is asserted by the Office Action to disclose "extracting means for extracting information relating to at least one object included in the moving image from information obtained in the process of compressing the image (Zhou: column 40, lines 35-67; column 41, lines 20-47; column 42, lines 55-60)..."

Applicant has carefully perused the cited text in Zhou and cannot find any portion of the text cited in the Office Action which corresponds or describes any "extracting means for extracting information relating to at least one object comprising a visually perceivable portion of the moving image" anywhere in that text. Applicant further cannot discern in that text any "means for setting an imaging condition for capturing a still image of the object based on the extracted information relating to the object" as further recited in claim 1 and in other claims.

Indeed, the text of the cited Zhou reference has been perused and applicant is unable to find any text which remotely correlates with the notion of designating an object on an image, or extracting information related to the image, or carrying out processing related to that image within an overall moving image.

Indeed, the Zhou disclosure is generally related to a system for performing MPEG compression of CCD data obtained by a camera. Its disclosure concerns an overall digital still camera architecture which provides a capability for play-back of audio and video with a synchronization feature that uses a circular buffer for video frames. That reference does not deal with an "object", per se. Furthermore, Zhou cannot provide the technical effect unique to the present invention which is "to obtain a still image which has been generated under a desired condition with respect to a desired object in real time, as a designated object is extracted from a

captured moving image, and an image can be captured under a condition suitable for capturing a still image of the object.”

Thus, each of the aforementioned independent claims clearly distinguishes over the prior art and certainly cannot be stated to be anticipated thereby. The remaining dependent claims in the application include all of the limitations of the aforementioned independent claims and impose further limitations thereon which distances each of them even further from the prior art. Accordingly, each claim in the application is submitted to be clearly patentable.

Summarizing the foregoing, in the present invention, unlike Zhou, et. al., the imaging condition for capturing a still image of an object is set based on the object information extracted from the moving image (amended claim 1), and image processing is set based on the object information extracted from the moving image (amended claim 23).

But as already stated above, Zhou, et. al. merely discloses that compressing the moving image, setting the imaging condition, capturing the still image, and conducting image processing of the still image, are executed as different steps having no relation to each other. In contrast, in the present invention, the interframe correlation information in the moving image is utilized in the process of compressing the moving image. Information relating to a predetermined object which exists in the moving image can be thereby extracted. The object is cut out of the moving image by utilizing the correlation information. The still image is captured under the image conditions suitable for the object cut out of the moving image, or the captured still image is subjected to image processing suitable for the object cut out of the moving image.

It is imperative to keep in mind that the term “object”, as utilized in the present claims, indicates something other than the “composition of image itself” or a “mere thing”. Rather, it is a distinct object in the captured image, which object has an existence separate and distinct from the image itself.

To further facilitate the examination of the application, the applicant sets forth below information, in table format, which references the various amended claims and the basis of support for the claim text or the claim amendments in the specification of the present application.

AMENDED CLAIMS	SPECIFICATION SUPPORT
1	The specification text supporting former claim 1 "the compression of the image is achieved by utilizing interframe and interframe correlation information" (page 5, lines 21-23 of the specification)
8	The specification text supporting former claim 8
9	The specification text supporting former claim 9
10	The specification text supporting former claim 10
11	The specification text supporting former claim 11
12	The specification text supporting former claim 12
13	The specification text supporting former claim 13
14	The specification text supporting former claims 14 and 15
16	The specification text supporting former claim 12 and 16
17	The specification text supporting former claim 17
18	The specification text supporting former claim 18
19	The specification text supporting former claim 19
20	The specification text supporting former claim 17 "By recording the image data on a predetermined recording medium in accordance with the type of image, that is, in accordance with the moving image, the still image or the type of image processing" (page 11, line 27 to page 12, line 4 of the specification)
21	The same as amended claim 1 The specification text supporting former claim 17 "the compression of the image is achieved by utilizing interframe and interframe correlation information" (page 5, lines 21-23 of the specification)
22	The specification text supporting former claim 22
23	The specification text supporting former claim 23 "the compression of the image is achieved by utilizing interframe and interframe correlation information" (page 5, lines 21-23 of the specification)
24	The specification text supporting former claim 24
25	The specification text supporting former claim 25
26	The specification text supporting former claim 26
27	The specification text supporting former claim 27
28	The specification text supporting former claim 28 "each object can be designated" (page 7, line 12 of the specification) "After such a designated operation" (page 7, lines 14-15 of the specification)

AMENDED CLAIMS	SPECIFICATION SUPPORT
29	The specification text supporting former claims 28 and 29
30	The specification text supporting former claim 30
31	The specification text supporting former claim 31 "only a signal of a ... of the information" (page 15, lines 14-16 of the specification) "the other signal is discarded without being processed" (page 15, lines 17-18 of the specification)
32	The specification text supporting former claim 32
33	The specification text supporting former claim 33
34	The specification text supporting former claim 34
35	The specification text supporting former claim 35 "By recording the image data on a predetermined recording medium in accordance with the type of image, that is, in accordance with the moving image, the still image or the type of image processing" (page 11, line 27 to page 12, line 4 of the specification)
36	The specification text supporting former claim 36 "the compression of the image is achieved by utilizing interframe and interframe correlation information" (page 5, lines 21-23 of the specification)
37	The same as amended claim 1
38	The same as amended claim 23

Figure 4 has been amended and a formal drawing replacing Figure 4 is enclosed. The amendment corrects an obvious typographical error.

In view of the foregoing, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label #EV592865605US) in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 23, 2005

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